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THE ILLINOIS CIVIL ADMINISTRATIVE CODE¹

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COMMENCING about 1911 the states began a serious study of their administrative systems. The development of state governments, prior thereto, was along the line of popular control and the preservation of the balance between legislative, executive and judicial departments. In the meantime, however, economic conditions, social reorganization and growth, the increase of population, the advancement of science and the progress of humanity cast upon the states increased burdens and responsibilities. To discharge the increased duties, states resorted to boards, bureaus and commissions. The period between legislative sessions created new conditions demanding the oversight and control of government agencies. Hence, incongruities and absurdities resulted. Separate and disjointed authorities, acting without reference to one another, or to any central authority, were the rule and not the exception. The result was chaos, confusion, duplication of work, overlapping of duties and division of responsibility.

Out of this lack of system new problems emerged. The questions of energy and efficiency of government began to attract attention. The chaotic condition in Illinois received the serious consideration of the legislature in 1913 when a Committee on Efficiency and Economy was constituted

to investigate all departments of the state government, including all boards, bureaus and commissions which have been created by the general assembly, such investigations to be made with a view of securing a more perfect system of accounting, combining and centralizing the duties of the various departments, abolishing such as are useless, and securing for the State of Illinois such re-organization as will promote greater efficiency and greater economy in her various branches of government.

The committee employed experts and made a thorough study and survey of the details of the state government. It made its report

¹Read at the National Conference on War Economy, June 5, 1918.

and recommendations to the general assembly in 1915. The committee caused bills to be introduced in the general assembly in 1915 to carry into effect the recommendations of the committee; but, with the exception of a bill revising the law in relation to state contracts, none of the bills passed either house of the general assembly. In his pre-primary campaign for the Republican nomination for governor, Colonel Lowden, in his numerous speeches, laid stress upon the illogical organization of the state government, and insisted that, if state governments were to be respected, their numerous and over-lapping boards must be consolidated, and the budget system of appropriations and expenditures must be substituted for the hap-hazard system then existing.

In his inaugural message Governor Lowden said :

Administrative agencies have been multiplied in bewildering confusion. They have been created without reference to their ability economically and effectively to administer the laws. Separate boards govern the penitentiaries, the reformatories, and the educational institutions. Several boards and commissions have charge of matters affecting the agricultural interests. Administration of laws affecting labor is parceled out among numerous agencies, including several boards having jurisdiction of mining problems and several free employment agencies, each independent of the other. Our finance administration is chaotic, illogical and confused.

The administration of the health laws is divided between boards and commissions, with no effective means of co-ordination. Our educational agencies are not harmonious. Over one hundred officers, boards, agencies, commissions, institutions, and departments are charged with the administration of our laws. No systematic organization exists, and no adequate control can be exercised. Diffusion rather than concentration and responsibility marks our system.

One of the imperative needs of the state is the consolidation of its multiplied agencies into a few principal departments. The governor is held responsible for the conduct of the state government. His executive functions should be discharged through a limited number of agencies over which he may exercise actual control. Under the present system of confusing perplexity, the governor cannot exercise the supervision and control which the people have a right to demand.

In the meantime, work had been commenced on the necessary bills to vitalize into law the ideas expressed by Governor Lowden both in his campaign and in his inaugural message. The facts gathered by the Efficiency and Economy Committee, and embodied in its report, constituted the basis for the preparation of legislative measures. In general, the committee recommended the re-organi-

zation and consolidation of more than one hundred separate offices, boards, bureaus and commissions into ten executive departments. Following its general recommendation, the committee made specific recommendations as to the constitution of the several proposed departments.

The specific form of organization recommended by the committee was, after mature deliberation, rejected as not conducing to either strength, harmony or unity of administration. For example, the committee recommended the creation of a department of finance, under a state finance commission, consisting of a state controller, a tax commissioner, a revenue commissioner and the auditor of public accounts and the state treasurer *ex officio*.

Each official was to be in charge of a particular division and each having specific statutory duties to perform. Again, the committee recommended the establishment of a department of public works and buildings

under a public works commission of three members, one to be commissioner of highways, one commissioner of waterways and one fish and game commissioner; with bureaus for each of these services and also other bureaus under the superintendent of buildings and grounds, the superintendent of state parks and the state art commission.

The specific recommendations contemplated bureaus within bureaus, and divisions within divisions. In some instances, an individual was placed at the head of a department, and in others a board or commission was made the directing head. Statutory duties were devolved upon subordinate officers and boards within a department. For all practical purposes the several offices, boards and bureaus were independent. As the scheme was outlined, no department would have an actual and responsible head having control of all the activities of his department.

It occurred to Governor Lowden, therefore, that while the general conclusion of the Efficiency and Economy Commission was valid and should be incorporated into law, yet the specific methods recommended were not only inexpedient, but detrimental to administrative efficiency. It seemed to him that the central idea of the report could be carried into effect by a single enactment. The bill, as finally drafted, proceeded upon the theory of the administrative reorganization of the several departments. It abolished numerous independent offices, bureaus, boards and commissions. It sub-

stituted in their place nine departments, in each of which is a responsible head known as a director. Each director is vested with ample authority of supervision and control. Subordinate division heads act under the great department leader. The department leaders labor together in co-operation with the governor as the supreme head. State activities are fused and welded into one coherent mass. Dealing with functions, the act simply consolidates governmental agencies. No additional powers or duties were given to the governor. No new duties on the part of the citizen were created. The substantive law remains the same. Only the instrumentalities through which it is enforced are changed.

Our legislators have too long ignored a vital principle in the enactment of administrative statutes. Administrative statutes are cluttered up with great elaboration of detail as to the means by which an administrative officer shall discharge his duties. Pursuing this theory, the legislature assumes the duties, without the responsibilities, of administration. The result has been that administration as well as legislation has been written into our statute law. The extreme of popular control was secured; energy and efficiency of administration were sacrificed.

The Illinois Civil Administrative Code is elastic and flexible. It omits details as to the inter-relationship between the offices which it creates. It enumerates broad general principles by which the government shall be administered. For instance, it provides that the department of finance shall "prescribe and require the installation of a uniform system of bookkeeping, accounting and reporting for the several departments," but does not attempt to enumerate any further rules on that subject for the guidance of the head of the department. It prescribes no duties for any subordinate executive officer. The act proceeds upon the theory that the work of each department will necessarily fall into broad, general classifications or divisions. It is assumed that the director of the department will organize his work and assign his subordinate officers to such duties as the exigencies of business may from time to time require. By this means not only are elasticity and flexibility secured, but responsiveness and responsibility of administration are assured.

The Civil Administrative Code organizes the civil governmental agencies under the jurisdiction of the governor, with the exception

of the civil service commission and of certain temporary boards, into nine departments as follows :

- (1) The department of finance
- (2) The department of agriculture
- (3) The department of labor
- (4) The department of mines and minerals
- (5) The department of public works and buildings
- (6) The department of public welfare
- (7) The department of public health
- (8) The department of trade and commerce
- (9) The department of registration and education.

The officers and boards under the civil administrative code are divided into three classes, namely, (1) executive officers; (2) quasi-judicial or quasi-legislative boards; and (3) non-executive boards.

In the survey of the activities of the state government it was found that there were certain boards or commissions which discharged quasi-judicial or quasi-legislative functions. In the discharge of functions which are purely executive, the fundamental principles of government dictate that one man should have the entire responsibility. However, in the discharge of functions which are quasi-judicial or quasi-legislative, it is essential that the opinion of a reasonable number of men, acting as an entity, should be procured. Hence in the construction of the Civil Administrative Code all functions which are primarily quasi-judicial or quasi-legislative are committed to the proper board or commission. The quasi-judicial or quasi-legislative boards are as follows: the food standard commission in the department of agriculture, composed of three persons; the industrial commission in the department of labor, composed of five persons; the mining board in the department of mines and minerals, composed of five persons; the miners' examining board in the department of mines and minerals, composed of four persons; the public utilities commission in the department of trade and commerce, composed of five persons; and the normal school board in the department of registration and education, composed of ten persons. Each board acts as an entity. While the director of mines and minerals is a member of the mining board, and the director of registration and education is a member of the normal school board, yet each quasi-judicial or quasi-legislative board exercises its quasi-judicial or quasi-legislative func-

tions without any supervision, direction or control by the director of the department. Each such board, however, is a component part of the department to which it belongs, and is not independent of the general system of finance and budget to which all officers under the code are subjected. Both the executive officers and the members of the quasi-judicial and quasi-legislative boards, excepting two food standard officers, the members of the mining board, and the members of the normal school board, are required to devote their full time and attention to the duties of their several offices. For this purpose each receives a fixed annual compensation.

Many questions of policy and expediency are presented for solution in an executive department. To assist and advise the director of the department and the governor in matters of broad policy of administration, it was deemed wise to make provisions for advisory boards. Hence advisory boards were created as follows: the board of agricultural advisers in the department of agriculture, composed of fifteen persons; a board of state fair advisers in the department of agriculture, composed of nine persons; a board of Illinois free employment office advisers in the department of labor, composed of five persons; a board of local free employment office advisers in the department of labor, composed of five persons from each employment office; a board of art advisers, a board of water resource advisers, a board of highway advisers, a board of parks and buildings advisers, each in the department of public works and buildings, and each composed of five persons; a board of public welfare commissioners in the department of public welfare, composed of five persons; a board of public health advisers in the department of public health, composed of five persons; a board of natural resources and conservation advisers, composed of seven persons; and a board of state museum advisers, in the department of registration and education, composed of five persons. The object of the advisory boards as above indicated was to put at the service of the state the expert skill of persons who were qualified in their particular lines of endeavor but who, though unable to devote their entire time and attention to the business of the state, would, as a matter of public duty, put their skill and professional experience at its disposal. The members of the several advisory boards receive no compensation.

One of the objects intended to be accomplished by the code is to secure a responsive and responsible administration. The governor

can discharge the varied activities committed to him by the constitution and the statutes only through the instrumentality of subordinate officers. He should be given full power to succeed or to fail. At the very moment when he takes the oath of office, he should be given full control of all executive agencies responsible to him, in order that his administrative policy may be guided and directed by men in sympathy with his program. Hence the administrative code provides that the term of office of all officers created by it, excepting the members of the normal school board, shall commence on the same day as that of the governor. The term of each officer, therefore, with the exception noted, is four years. The term of office of the members of the normal school board, other than that of the director, is six years, three members retiring each two years. Upon taking the oath of office, therefore, the governor is in full and complete charge of all of the activities of his administration, and can institute at once, and without embarrassment, the executive policies which he desires to be worked out.

Under the practice prevailing prior to July 1, 1917, it was difficult in many cases for the citizen having business with any board or commission to ascertain the business address of such board or commission. Some were located in Springfield, some in Chicago, and some throughout the smaller cities of the state. The code changes all this. Any citizen having business with any of the executive departments under the governor can transact such business through the central office at Springfield. Each department is required to maintain at the capital a central office, but for the discharge of certain activities of its department, it may maintain branch offices in other parts of the state. In this way it is intended to work out a plan by which thousands of dollars may be saved by the state on account of the rent of offices, not only in Chicago but elsewhere.

Closely allied with the subject of centralized offices at Springfield is that of co-operation and co-ordination of work as between departments. Not only may the great number of offices rented for the use of the several departments be greatly reduced, but the employes of a given department may be used to discharge functions pertaining to other departments, thus reducing the number of employes, and increasing the efficiency of administration. Inasmuch as the code does not revise and codify the statutory law

pertaining to the several departments, but leaves the substantive law just as it is, to be enforced by the proper department, it was inevitable that there should be overlapping and duplication of functions. By the provisions of the code, providing for co-operation between departments, this duplication, in the practical administration of laws, is to a large extent done away with, without the necessity of any subsequent legislation.

In addition to the provision relative to co-operation between departments, the code creates a strong centralized purchasing agency in the department of public works and buildings. Prior to July 1, 1917, each board, commission or officer purchased his own supplies. Under the code, the department of public works and buildings is required to make purchases for all departments, thus affording a means by which the state may not only standardize its purchases, but effect a great saving in money by reason of purchasing in large quantities.

The department of finance is probably the most important of the new departments. Roughly speaking, the functions of the department of finance may be classified as follows: (1) To prescribe and install a uniform system of bookkeeping, accounting and reporting; (2) to examine into the accuracy and legality of the accounts and expenditures of the several departments; (3) to examine and approve, or disapprove, all bills, vouchers and claims of the several departments; (4) to prepare and report to the governor estimates of the income and revenues of the state; (5) to prepare and submit to the governor a state budget; and (6) to formulate plans for the better co-ordination of departments.

Through this department a centralized control of the expenditures made by agencies responsible to the governor is effected.

While the department of finance has no direct control over the expenditures made by any department other than those created by the Civil Administrative Code, yet it is required to make a study of the whole field of governmental needs, and to prepare and submit to the governor, to be by him submitted to the general assembly, a state budget, embracing therein the estimated revenues, and the needs, not only of the several departments under the code, but of all other agencies of the government other than the general assembly. The budget of the department of finance will disclose the needs of the state, together with full information based upon thorough and detailed study. When the next general assembly con-

venes it will have before it, for the first time in its history, adequate, classified and detailed information upon which appropriations may be made with intelligence.

The department of finance was practically a new conception. It took over no work performed by any other board or commission. Not so with the other departments. The department of agriculture is charged with the exercise of the powers and duties vested by law in the following: (1) The board of live stock commissioners; (2) the state veterinarian; (3) the stallion registration board; (4) the state inspectors of apiaries; (5) the state game and fish commission; (6) the state food commissioner; (7) the state entomologist; (8) the humane agents; (9) the state laboratory; and (10) the state fair board after January 1, 1919. It is also charged with certain affirmative duties pertaining to the procuring and disseminating of knowledge relative to agricultural interests.

The department of labor is charged with the exercise of the powers and duties vested by law in the following: (1) The commissioners of labor; (2) the free employment offices and local free employment offices; (3) the chief inspector of private employment agencies; (4) the chief factory inspector; (5) the state board of arbitration and conciliation; (6) the industrial board. (7) It is also charged with the collection of data and information relative to labor and the dissemination thereof.

The department of mines and minerals is charged with the exercise of the powers and duties vested by law in the following: (1) The state mining board; (2) the state mine inspectors; (3) the miners' examining commission; (4) the mine fire fighting and rescue commission; (5) the Illinois miners' and mechanics' institutes.

The department of public works and buildings is charged with the exercise of the powers and duties vested by law in the following: (1) The state highway commission; (2) the canal commissioners; (3) the rivers and lakes commission; (4) the Illinois waterway commission; (5) the Illinois park commission; (6) the Fort Massac trustees; (7) the Lincoln Homestead trustees; (8) the Lincoln Monument commissioners; (9) the superintendent of printing; (10) the supervising engineer; (11) the state art commission; (12) the state inspector of masonry. The office of the state architect is abolished, and the policy of providing for a supervising architect is substituted. The department of public works.

and buildings is given supervision over all public monuments and memorials erected by the state.

The department of public welfare is charged with the exercise of the powers and duties vested by law in the following: (1) The board of administration, which had jurisdiction over the charitable institutions of the state, consolidated by the act of 1912; (2) the state deportation agent; (3) the state agent for the visitation of children; (4) the Illinois penitentiary; (5) the Southern Illinois penitentiary; (6) the Illinois state reformatory; (7) the board of prison industries; (8) the board of classification; and (9) the board of pardons. Under the department of public welfare the administration of all the charitable institutions and of all the penal institutions is consolidated.

The department of public health is charged with the exercise of the powers and duties vested by law in the state board of health, excepting the registration of physicians, midwives and embalmers. Other broad and general powers relating to health and sanitation are vested in this department.

The department of trade and commerce is charged with the exercise of the powers and duties vested by law in the following: (1) The public utilities commission; (2) the insurance superintendent; (3) the grain inspection department; (4) the inspector of automatic couplers; (5) the state fire marshal; and (6) the statute in relation to weights and measures.

The work of the department of registration and education falls under three principal classifications. Under it are consolidated for administrative purposes the five normal schools. The principal work of the department will be the examination of applicants for the trades and professions. It will exercise the license powers vested by law in: (1) The board of veterinarian examiners; (2) the board of examiners of horseshoers; (3) the state board of examiners of architects; (4) the state board of examiners of structural engineers; (5) the state board of health; (6) the state board of pharmacy; (7) the state board of dental examiners; (8) the state board of nurse examiners; (9) the state board of optometry; and (10) the state board of barber examiners. Another function of the department of registration and education is to act as the scientific and investigating body for the other departments. To that end its educational activities may be roughly classified as relating to conservation and development of natural

resources, the study of the zoology and botany of the state, the maintenance of a state museum for the collection and preservation of objects of scientific and artistic value, and the study of entomology, water resources and geology.

The code is not so comprehensive as it should be. It was found impractical and inexpedient to make the consolidation act as comprehensive as the theory of administrative consolidation would permit. The theory was modified by the constitutional provision creating the independent state offices of secretary of state, auditor of public accounts, state treasurer, superintendent of public instruction, and attorney general, and prescribing to these officers certain duties.

It was further modified by the provisions of the state statutes relating to the election by the people of a board of equalization, and of trustees of the University of Illinois. However, as above noted, it consolidates into one coherent system practically all the activities for which the governor is responsible. It is safe to say that the Illinois Civil Administrative Code constitutes a radical innovation in state administration. While necessarily omitting certain state activities, it is the first comprehensive scheme enacted into law to render our state government stronger and more efficient.